

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF DENTON, TEXAS, GRANTING THE DENTON BLACK CHAMBER OF COMMERCE A NOISE EXCEPTION FOR SEPTEMBER 17, 2017, PURSUANT TO SECTION 17-20 OF THE CODE OF ORDINANCES; GRANTING AMPLIFIED SOUND ON SUNDAY, SEPTEMBER 17, 2017 FROM 1 P.M. UNTIL 9 P.M.; AND SETTING AN EFFECTIVE DATE.

WHEREAS, pursuant to §17-20 of the Code of Ordinances of the City of Denton, Texas, the Denton Black Chamber of Commerce (the "Chamber") has made application to the City Council for an exception to the provision restricting amplified sound on a Sunday, in connection with the Denton Blues Festival annual event held at the Quakertown Park, from the limitations imposed by section 17-20 of the code of ordinances of the City of Denton, Texas, granting amplified sound on a Sunday, that being from 1 p.m. to 9 p.m. on Sunday, September 17, 2017.

WHEREAS, upon prior application and approval by the City Council of the City of Denton, Texas, the Chamber has consistently demonstrated an ability to responsibly operate the Denton Blues Festival annual event held at Quakertown Park, at days restricted in §17-20 of the Code of Ordinances of the City of Denton, Texas, within the public interest, and without materially disturbing persons of ordinary sensibilities in the immediate vicinity thereof; and

WHEREAS, based upon this past history, the City Council of the City of Denton, Texas finds that granting a noise exception for this event, subject to the restrictions contained herein, would serve the public interest; NOW, THEREFORE,

THE COUNCIL OF THE CITY OF DENTON HEREBY ORDAINS:

SECTION 1. Pursuant to §17-20 of the Code of Ordinances, the Denton Black Chamber of Commerce is hereby granted an exception to said section's amplified sound prohibition on Sunday, subject to the following restrictions:

1. This exception to the limitations imposed by section 17-20 of the Code of Ordinances of the City of Denton, Texas, is granted only in connection with the operation of the Denton Blues Festival annual event at the Quakertown Park.
2. The Chamber agrees to take full responsibility for ensuring that the conditions of this exception are met, and to take all reasonable measures necessary to avoid disturbing persons of ordinary sensibilities in the immediate vicinity of the event.
3. The Chamber agrees to cease using amplified loudspeakers at 9 p.m. on Sunday, September 17, 2017.
4. Under no circumstances shall the annual event employ the use of amplified loudspeakers past 9 p.m. on Sunday, September, 17, 2017.

5. Under no circumstances shall the annual event employ the use of amplified loudspeakers that exceed the dba of 70 for an outdoor concert when measured from the perimeter of the source as measured by an approved measuring instrument.
6. This ordinance confers no personal or property rights, and may be amended, modified, superseded, or revoked in whole, or in part at the will of the City Council of the City of Denton, Texas, without any advance warning, hearing, or compensation, for any reason at all, or for no reason.
7. This ordinance shall be strictly construed as an exception granted pursuant to §17-20 of the Code of Ordinances of the City of Denton, Texas. The City of Denton, Texas expressly reserves unto itself and all other persons any and all legal remedies, civil or criminal, relating to excessive noise in connection with this annual event, and hereby disclaims any promissory, or equitable estoppel which might in any way impede the pursuit of such remedies by any person.

SECTION 2. This Ordinance shall become effective immediately upon its passage and approval, unless sooner repealed, modified, or rescinded.


PASSED AND APPROVED this the _____ day of _____, 2017.

CHRIS WATTS, MAYOR

ATTEST:
JENNIFER WALTERS, CITY SECRETARY

BY: _____

APPROVED AS TO LEGAL FORM:
AARON LEAL, INTERIM CITY ATTORNEY

BY:  _____